

REFERENCE TITLE: disabled employees; employer harassment

State of Arizona
House of Representatives
Forty-ninth Legislature
First Regular Session
2009

HB 2596

Introduced by
Representatives Patterson, Heinz, McGuire: Barnes, Fleming, Lopes, Miranda
B, Senators Garcia, Rios

AN ACT

AMENDING TITLE 23, CHAPTER 2, ARTICLE 1, ARIZONA REVISED STATUTES, BY ADDING SECTION 23-204; RELATING TO EMPLOYMENT PRACTICES AND WORKING CONDITIONS.

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 Be it enacted by the Legislature of the State of Arizona:
2 Section 1. Title 23, chapter 2, article 1, Arizona Revised Statutes,
3 is amended by adding section 23-204, to read:

4 23-204. *Disabled employees; employer harassment; civil action;*
5 definition

6 A. AN EMPLOYER SHALL NOT HARASS A FORMER EMPLOYEE WHO IS RECEIVING
7 DISABILITY BENEFITS FROM THE SOCIAL SECURITY ADMINISTRATION BY DOING ANY OF
8 THE FOLLOWING:

9 1. THREATENING TO TERMINATE THE FORMER EMPLOYEE'S PENSION BENEFITS IF
10 THE FORMER EMPLOYEE DOES NOT RELEASE MEDICAL INFORMATION TO THE EMPLOYER.

11 2. CHALLENGING THE FORMER EMPLOYEE'S DISABILITY STATUS UNDER THE
12 SOCIAL SECURITY ADMINISTRATION.

13 3. INQUIRING INTO THE FORMER EMPLOYEE'S MEDICAL RECORDS.

14 4. REQUIRING THE FORMER EMPLOYEE TO BE EXAMINED BY A HEALTH CARE
15 PROFESSIONAL.

16 5. REQUIRING THE FORMER EMPLOYEE TO WAIVE THE EMPLOYEE'S RIGHTS TO
17 PRIVACY OF HEALTH RECORDS UNDER THE HEALTH INSURANCE PORTABILITY AND
18 ACCOUNTABILITY ACT OF 1996 (P.L. 104-91) OR OTHERWISE DISCLOSE MEDICAL
19 INFORMATION TO THE EMPLOYER.

20 B. A FORMER EMPLOYEE MAY BRING A CIVIL ACTION AGAINST AN EMPLOYER THAT
21 VIOLATES SUBSECTION A AND MAY RECOVER FROM THE EMPLOYER DAMAGES OF TWO
22 HUNDRED FIFTY THOUSAND DOLLARS AND ATTORNEY FEES. THE AMOUNT OF DAMAGES
23 UNDER THIS SUBSECTION SHALL BE INCREASED BY TWO HUNDRED FIFTY DOLLARS FOR
24 EACH SUBSEQUENT VIOLATION UNDER THIS SECTION THAT THE EMPLOYER COMMITS
25 AGAINST THE SAME FORMER EMPLOYEE.

26 C. FOR THE PURPOSES OF THIS SECTION, "EMPLOYER" MEANS A CURRENT OR
27 FORMER EMPLOYER AND INCLUDES ANY PERSON ACTING AS AN AGENT OF A CURRENT OR
28 FORMER EMPLOYER.